CWP No.1266 of 2007

29.8. 2007 Present : Mr.Sandeep Kaushik, counsel for the petitioner.
Mr.Anoop Rattan, C.G.S.C. for respondents.

This writ petition is directed against an order of the Central Administrative Tribunal Chandigarh Bench passed in O.A. No.1000/HP/2005. The relief claimed by the petitioner is that the services rendered by him as Assistant Education Officer w.e.f. 22.12.1981 in the pay scale of Rs.650-1200 should be taken into consideration and be reckoned while considering his seniority. The case set up by him is that the services rendered by him as Assistant Education Officer was inter-changeable with the post of Vice Principal which was in the same pay scale of Rs.650-1200 and as such his seniority in the cadre of Vice-Principals should be fixed from the date he was promoted in the common grade of Rs.650-1200.

The petitioner made his first representation in this regard in the 1980's itself and the same was rejected vide order dated 7.10.1988. The petitioner was thereafter promoted as Principal and he again represented against the seniority assigned to him on the same grounds. This representation was also rejected on 7.10.1997. Thereafter, the petitioner kept making representations and another order was passed on 6.9.2005 in which all that is stated is that the matter stood already decided by the competent authority on 7.10.1988 and 7.10.1997. This decision dated 6.9.2005 does not amount to a fresh decision but is only a reiteration of the previous decision. This does not provide a fresh cause of action. The learned Tribunal was absolutely right in holding that the petitioner could not be permitted to challenge the orders dated 7.10.1988 and 7.10.1997 in the year 2005. There is no merit in the petition which is dismissed.

(Deepak Gupta),
Judge

August 29, 2007 **(V.K. Ahuja)**
PV **Judge.**